

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S). No. 4182 of 2015

Shankar Prasad Singh son of Sri Govind Prasad Singh, residing at 'Daya Bhawan', Gaushala Road, Dudhani, near Sonalika Tractor Showroom, P.O. & P.S.-Dumka, District-Dumka.

... .. **Petitioner**

Versus

1.The State of Jharkhand through the Secretary/Principal Secretary, Human Resource Development Department, Government of Jharkhand, having office near Project Building, Dhurwa, P.O. & P.S.-Dhurwa, Town and District-Ranchi.

2. The Director, Higher Education, having office at Higher Education Directorate, near Project Building, P.O. & P.S. Dhurwa, Town and District-Ranchi.

3. Jharkhand Public Service Commission through its Chairman, having office at Circular Road, P.O. GPO, P.S. Kotwali, Town and & District- Ranchi.

4. Secretary, Jharkhand Public Service Commission, having office at Circular Road, P.O. GPO, P.S.-Kotwali, Town and & District- Ranchi.

5. Public Information Commission-cum-Section Officer, Jharkhand Public Service Commission, having office at Circular Road, P.O. GPO, P.S. Kotwali, Town and & District- Ranchi.

6. Jharkhand State Information Commission, through its Secretary, having office at Engineers Hostel No. 2, HEC Campus, P.O. – P.S-Dhurwa, Town and District-Ranchi.

7. Central Bureau of Investigation through its Director, having office at 6th Floor, Lodhi Road, Plot No. 5-B, Jawaharlal Nehru Stadium Marg, CGO Complex, New Delhi, Delhi-110003.

... .. **Respondents**

with

W.P. (C) No. 1708 of 2018

Sudhanshu Shekhar Yadav, aged about 53 years, Son of Ram Prasad Yadav, resident of Village-Simrakhas, P.O. Dalluraidih, Via-Rohini, P.S.-Devipur, District-Deoghar (Jharkhand).

... .. Jharkhand

Versus

1.Jharkhand State Public Service Commission, Ranchi having its office at Circular Road, P.O. Kutchery, P.S. Lalpur, Dist: Ranchi.

2. Jharkhand Public Service Commission, through its Chairman, having its office at Circular Road, P.O. – Kutchery, P.S. Lalpur, District-Ranchi, Jharkhand.

3. Central Bureau of Investigation, through Superintendent of Police, EOW, Ranchi, having its office at Kali Babu Street, P.O.-Kutchery, P.S.-Lalpur, District-Ranchi.

... .. **Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner	: Mr. Manoj Tandon, Advocate Mrs. Neha Bhardwaj, Advocate Mr. Ritwik Raj, Advocate Mr. Karamjit S. Chhabra, Advocate Mr. Shubham Kumar, Advocate [In WPS No. 4182/15]
For the Resp-State	: Mr. Ratnesh Kumar, SC (L&C)-I Mr. R.K. Shahi, AC to SC (L&C)-I
For the JPSC	: Mr. Abhay Prakash, Advocate Mr. Durgesh Agarwal, Advocate [In WPS No. 4182/15] Mr. Sanjoy Piprawall, Advocate Mr. Rakesh Ranjan, Advocate Mr. Jay Prakash, Advocate Mr. Prince Kumar, Advocate
For the CBI	: Mr. Prashant Pallav, ASGI Mr. Ayush Lal, AC to ASGI

13/Dated: 6th May, 2026

1. The writ petition being W.P.(S) No. 4182 of 2015 has been filed under Article 226 of the Constitution of India for the following reliefs:

- I. For a direction commanding upon the respondents to consider the case of the petitioner for appointment on the post of Lecturer in the subject History, pursuant to Advertisement No. 01/2007, published in daily Hindustan, Ranchi dated 31st January 2007.
- II. To direct the respondents 3 to 5 to furnish the total marks obtained by the petitioner in the

academics and interview at least before this Hon'ble Court, if not to the petitioner, and if the marks obtained by the petitioner is higher, than the last selected candidate, issue the appointment letter to the petitioner without loss of any further time.

III. For any other appropriate relief/reliefs to which the petitioner is found to be entitled in the facts and circumstances of this case as also to do conscionable justice to the petitioner.

2. The writ petition being W.P.(C) No. 1708 of 2018 has been filed under Article 226 of the Constitution of India for the following reliefs:

a. For issuance of a writ commanding upon the respondent CBI or JPSC to furnish certain information which has been sought by the petitioner in terms of letter dated 08.01.2014.

3. Since common question of law and facts are involved in both the writ petitions, as such with the consent of learned counsel for the parties, they have been directed to be heard together, as would be evident from order dated 31.10.2023 passed by the Co-ordinate Bench of this Court.

4. It would be apt to mention herein that the Co-ordinate Bench while hearing the matter has passed order by formulating following issues:

(i). Whether petitioner is entitled for the information sought for from the Jharkhand Public Service Commission?

(ii) Whether the respondents can take shelter of provisions of Section 8(1)(h) of Right to Information Act, 2005?

(iii) Whether information sought for by the petitioner comes under the purview of Section 8(1)(h) of the Right to Information act, 2005.

5. The concern of the writ petitioners are that they have got right to know the marks for the purpose to come to the conclusion as to whether the selection which has been made of the candidate is based upon the marks secured lesser in comparison to that of the writ petitioners and therefore efforts have been taken to get the information given by making application under Section 5 of the Right to Information Act, 2005.

6. The information has been furnished by the Information Commissioner that due to pending investigation of the entire recruitment process by the Central Bureau of Investigation, the document is lying with the CBI.

7. The similar is the stand taken by the JPSC also.

8. In the backdrop of aforesaid facts that the details of the marks obtained by the writ petitioners are not being supplied due to pending investigation by the Central

Bureau of Investigation and as such the CBI was impleaded as party-respondents to the proceeding.

9. The respondent-CBI was directed to file affidavit. Pursuant thereto, affidavit has been filed by the respondent-CBI.

10. Pressing the affidavit filed by the CBI, Mr. Prashant Pallav, learned ASGI has submitted by referring to paragraph nos. 7 to 9, particularly 9 thereof that the investigation in the aforesaid case has already been concluded by the Central Bureau of Investigation and upon completion of investigation, charge-sheet has been submitted on 25.09.2019 and presently is pending at the stage of supply of police paper.

11. Learned counsel for the JPSC has placed before this Court a copy of order dated 16.04.2026 passed in W.P.(C) No. 5582 of 2008 stating that under the similar circumstance, the Court has made observation, as under paragraph 13 that after submission of charge-sheet by the CBI, the materials are now within the public domain.

12. Learned counsel for the JPSC has further relied upon order dated 24.03.2026 passed in W.P. (C) No. 3672 of 2008 wherein similar observation has been made.

13. This Court considering the aforesaid fact and particularly considering the fact that the case i.e., Regular Case 04/A/2013-R is at the stage of supply of

police paper, and as such the document(s) which the petitioners are seeking are now within the public domain, which can be obtained by the writ petitioners.

14. This Court in view thereof is disposing of the writ petitions with liberty to the petitioners that after getting the documents, if any cause of action will be there, they are at liberty to approach the appropriate forum, if the petitioners so wish.

15. In case of agitating the issue, the order passed by this Court will not come in the way.

16. With the aforesaid observations and directions, the writ petitions stand disposed of.

(Sujit Narayan Prasad, J.)

6th May, 2026
N.A.F.R.
Alankar/-